REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of July 21, 2010. Claims 1-9 and 33-35 are pending in this application and are currently under consideration. Reconsideration of the Application is requested.

The Office Action

Claims 1-2, 4, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,187,459 to Chiba *et al.* in view of U.S. Patent Application Publication No. 2002/0188504 to Whale, U.S. Patent No. 6,226,097 to Kimura and U.S. Patent No. 7,446,442 to Chapman.

Claims 3, 5-6, and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiba, Whale, Kimura, and Chapman as applied to claims above, and further in view of U.S. Patent No. 6,463,078 to Engstrom *et al.*

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiba, Whale, Kimura, Chapman and Engstrom as applied to claims above, and further in view of U.S. Patent No. 6,496,858 to Frailong *et al.*

Claim 35 was rejected in the Office Action, but reasons for the rejection were not provided.

The Combination of Chiba, Whale, Kimura and Chapman Fails to Render Claims 1-2, 4 and 33-34 Obvious

Claims 1-2, 4 and 33-34 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chiba *et al.* in view of Whale, and further in view of Kimura and Chapman. It is respectfully requested that this rejection be withdrawn for at least the following reasons. It is not obvious to combine Chapman with Chiba, Whale, and Kimura to render the subject claims obvious.

Generally, the claimed subject matter relates to an embedded device model agent that can connect to a service platform. Independent claim 1 recites a system comprising *dynamic provisioning to automatically download software as needed to add,*

delete, update, and customize services. The cited portions of the references, whether taken alone or in combination, fail to render the claimed subject matter obvious.

Independent claim 1 recites that the embedded system comprises a device model agent representative of service management <u>stored within the memory of the physical hardware</u> of the device. The Examiner relies on Figure 1 of Chiba to disclose an embedded system. Chiba discloses that a control program **16** is loaded in RAM. It is submitted that RAM is a volatile memory, and that the control program data **23** is loaded from a host computer **50** upon initialization of the printer. Chiba fails to disclose that the control program data is embedded, and instead implies that the control program data is loaded into the system each time the system is initialized.

Whale and Kimura also fail to disclose the claimed embedded system. The Examiner admits that Chiba, Whale and Kimura fail to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services,* as recited by independent claim 1. To remedy this deficiency, the Examiner offers Chapman.

Even if Chiba could somehow interpreted as disclosing a claimed embedded system, the cited portion of Chapman teaches away from a combination with Chiba. Specifically, the Examiner relies on col. 9, l. 36 – col. 10, l. 15 of Chapman to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services.*

As evidenced by Figure 5 of Chapman, the downloader **16** is located within a Data Processing System **15**, which is not embedded in the printer **24**. For example, at col. 2, l. 53 of Chapman, the reference states that the data processing system is "coupled" to a printer. Coupling two devices is different than an embedded system comprising a device model agent representative of service management <u>stored within the memory of the physical hardware</u> of the device, as claimed.

Furthermore, in Chapman, a printer driver may embed commands into a PDL file, but the cited portions of Chapman fail to disclose that the data processing system is embedded into the printer. Embedding commands into a file is different than the claimed embedded system. As a result, for this additional reason, Chapman teaches away from a combination with Chiba. A person having ordinary skill would not look to

combine Chapman with Chiba. Accordingly, it is not obvious to combine Chapman and Chiba to render the subject claims obvious.

In view of at least the foregoing, it is readily apparent that the cited portions of the references fail to render independent claim 1 (and associated dependent claims 2, 4 and 33-34) obvious. Accordingly, this rejection should be withdrawn.

Rejection of Claims 3, 5-6 and 8-9 Under 35 U.S.C. § 103(a)

Claims 3 and 5

Claims 3 and 5 were rejected as being obvious in view of a combination of Chiba, Whale, Kimura, Chapman and Engstrom. It is respectfully requested that the rejection of claims 3 and 5 be withdrawn for at least the following reasons. Claims 3 and 5 depend from independent claim 1. The cited portions of Engstrom disclose a connection between two physical interfaces. When combined with the cited portions of Chiba, Whale, Kimura and Chapman, the cited portions of Engstrom fail to render the claimed subject matter obvious with respect to independent claim 1. Thus, this rejection should be withdrawn with respect to claims 3 and 5.

Claims 6 and 8-9

Claims 6 and 8-9 were rejected as being obvious in view of a combination of Chiba, Whale, Kimura, Chapman and Engstrom. This rejection should be withdrawn for at least the following reasons. It is not obvious to combine Chapman with Chiba, Whale, and Kimura to render the subject claims obvious.

Independent claim 6 recites a method comprising *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. The Examiner concedes that Chiba, Whale and Kimura fail to disclose this claimed aspect, and offers Chapman to cure this deficiency. However, it is not obvious to combine the cited references to render the subject claims obvious.

Independent claim 6 recites that the embedded system comprises a device model agent representative of service management stored within the memory of the physical hardware of the device. Similarly to the rejection of claim 1, the Examiner relies on Figure 1 of Chiba to disclose an embedded system. Chiba discloses that a

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control program **16** is loaded in RAM. It is submitted that RAM is a volatile memory, and that the control program data **23** is loaded from a host computer **50** upon initialization of the printer. Chiba fails to disclose that the control program data is embedded, and instead implies that the control program data is loaded into the system each time the system is initialized.

Whale and Kimura also fail to disclose the claimed embedded system. The Examiner admits that Chiba, Whale and Kimura fail to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*, as recited by independent claim 6. To remedy this deficiency, the Examiner offers Chapman.

Moreover, even if Chiba could somehow interpreted as disclosing a claimed embedded system, the cited portion of Chapman teaches away from a combination with Chiba. Specifically, the Examiner again relies on col. 9, l. 36 – col. 10, l. 15 of Chapman to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*.

As evidenced by Figure 5 of Chapman, the downloader **16** is located within a Data Processing System **15**, which is not embedded in the printer **24**. For example, at col. 2, l. 53 of Chapman, the reference states that the data processing system is coupled to a printer. Coupling two devices is different than embedded system comprises a device model agent representative of service management <u>stored within the memory of the physical hardware</u> of the device.

Furthermore, in Chapman, a printer driver may embed commands into a PDL file, but the cited portions of Chapman fail to disclose that the data processing system is embedded into the printer. Embedding commands into a file is different than the claimed embedded system. As a result, for this additional reason, Chapman teaches away from a combination with Chiba. A person having ordinary skill would not look to combine Chapman with Chiba. Accordingly, it is not obvious to combine Chapman and Chiba to render the subject claims obvious.

In view of the forgoing, it is readily apparent that the cited portions of the references, whether taken alone or in combination, fail to disclose each and every

element of independent claim 6 (and associated dependent claims 8-9). Accordingly, this rejection should be withdrawn with respect to claims 6 and 8-9.

Rejection of Claim 7 Under 35 U.S.C. § 103(a)

Claim 7 was rejected as being obvious in view of a combination of Chiba, Whale, Kimura, Engstrom and Frailong. It is respectfully requested that the rejection of claim 7 be withdrawn for at least the following reasons. Claim 7 depends from independent claim 6. The cited portions of Frailong fail to cure the above-mentioned deficiencies of Chiba, Whale, Kimura and Engstrom with respect to independent claim 6. Thus, this rejection should be withdrawn with respect to claim 7.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) For	(2) Claims Remaining After Amendment Less Highest Number Previously Paid For		(3) Number Extra
Total Claims	12	- 20 =	0
Independent Claims	2	- 3 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned, at Telephone Number (216) 363-9000.

Respectfully submitted,

FAY SHARPE LLP

January 21, 2011
Date

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